

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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BRUCE WEHRLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civil Action No. 10-625 (SRC)

**ORDER**

This matter having come before the Court upon Petitioner's *pro se* pleading challenging his federal conviction, pursuant to 28 U.S.C. § 2255, filed on February 1, 2010 and docketed as Civil Action No. 10-625; and

**IT APPEARING** that shortly thereafter, on February 9, 2010, the Court issued an Order advising Petitioner of his rights under United States v. Miller, 197 F.3d 644 (3d Cir. 1999) and providing Petitioner 45 days to advise the Court as to how he wishes to proceed; and it further

**APPEARING** that in response to the "Miller Order", Petitioner filed on April 14, 2010 a pleading asking that his original 28 U.S.C. § 2255 Petition, filed on February 1, 2010, be withdrawn and further requesting that his original Petition together with a supplemental submission be re-filed as Petitioner's all-inclusive 28 U.S.C. § 2255 Petition; and it further

**APPEARING** that Petitioner's April 14, 2010 response to the Miller Order, as described above, was incorrectly filed on the docket of the underlying criminal action against Petitioner, Criminal Action No. 06-775, as docket entry 34; therefore,

**IT IS** on this 22<sup>nd</sup> day of April, 2010,

**ORDERED** that the Clerk shall file the submission at docket entry 34 of Criminal Action No. 06-775 on the docket of Petitioner's 28 U.S.C. § 2255 action, Civil Action No. 10-625; and it is further

**ORDERED** that the Court will construe Petitioner's initial filing of February 1, 2010 together with the supplement filed on April 14, 2010 as Petitioner's all-inclusive 28 U.S.C. § 2255 Petition; and it is further

**ORDERED** that the Clerk of the Court shall serve copies of the initially-filed Petition of February 1, 2010, the supplemental submission of April 14, 2010, this Order, and all other documents docketed in this matter upon Respondent by certified mail, return receipt requested, with all costs of service advanced by the United States; and it is further

**ORDERED** that Respondent shall file a full and complete answer to the Petition within 45 days of the entry of this Order; and it is further

**ORDERED** that Respondent shall raise by way of its answer any appropriate defenses which it wishes to have the Court consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

**ORDERED** that the answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts or recordings of any proceedings, including all documentation that may be material to the questions raised in the Petition.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge